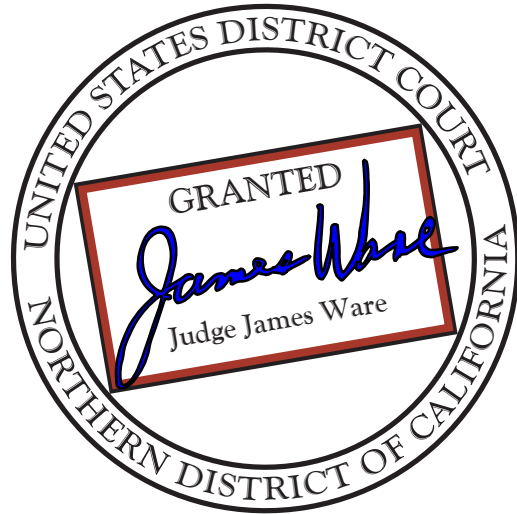


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Attorneys for Plaintiff
 DAVID HALTERMAN



UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DAVID HALTERMAN
 Plaintiff,

v.

LEGATO SOFTWARE, a Division of EMC
 Corporation; EMC Corporation, dba EMC
 PERIPHERALS INC.; and DOES I - X,
 Defendants.

) Case No. C04-2660 JW (PVT)
)
) **STIPULATION ALLOWING**
) **DOCUMENTS TO BE FILED UNDER**
) **SEAL - RE PLAINTIFF'S MOTION TO**
) **STRIKE OR EXCLUDE PORTIONS OF**
) **EXPERT REPORT OF STUART HARDEN**
)
) Date: December 19, 2005
) Time: 9:00 a.m.
) Judge: Hon. James Ware
) Crtrm: 8
)

PURSUANT TO CIVIL LOCAL RULES 7-11, 7-12, and 79-5, Plaintiff David Halterman
 and Defendant EMC Corporation (collectively, "the parties") stipulate as follows:

WHEREAS, in this matter, the Court entered into a Stipulated Protective Order ("the
 Order") on December 3, 2004;

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WHEREAS, the Order requires in paragraph 9 that:

In the event that any Confidential Information ... is filed, included in, or referred to in any paper filed with the Court, counsel responsible for such filing shall submit the papers to the court along with a request to file under seal pursuant to Civil Local Rule 79-5

WHEREAS, in paragraph 1 of the order, the Court defined “Confidential Information” as “information that qualifies for protection under F.R.C.P. 26(c)”;

WHEREAS, Exhibit A to the Declaration of Kathryn Burkett Dickson in Support of Plaintiff’s Motion to Exclude or Strike Portions of the Expert Report of Stuart Harden, consists of the Expert Report of Stuart Harden, every page of which Defendant has marked as “Subject to Protective Order;”

WHEREAS, Defendant believes that the Report contains sensitive and private financial and commercial information that is valuable information to EMC's competitors and that EMC has revealed only for the purposes of this dispute and otherwise closely guards;

WHEREAS, Defendant believes that the Report contains confidential business information;

WHEREAS, with the exception of Exhibit A (the Harden Report), “[a]ll other portions” of the moving papers “be included in the public file” of this Court, pursuant to Civil L.R. 79-5(b); and

WHEREAS, the parties have limited the scope of this request to meet the requirements of Civil L.R. 79-5(b) that it be “narrowly tailored to seal only that material for which good cause to seal has been established” and that it “shall direct the sealing of only those documents, pages, or, if practicable, those portions of documents or pages, which contain the information requiring confidentiality”;

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1 IT IS HEREBY STIPULATED by and between the parties to this action through their
2 designated counsel, that the following document be filed under seal: Exhibit A to the Declaration
3 of Kathryn Burkett Dickson in Support of Plaintiff's Motion to Exclude or Strike Portions of the
4 Expert Report of Stuart Harden.

5 Respectfully submitted,
6 Dated: November 15, 2005 *DICKSON - ROSS LLP*
7 */s/electronically*

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KATHRYN BURKETT DICKSON
Attorneys for Plaintiff
DAVID HALTERMAN

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12 Dated: November 15, 2005 *ORRICK, HERRINGTON & SUTCLIFFE LLP*
13 See next page

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MICHAEL WEIL
Attorneys for Defendant
EMC CORPORATION
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CONCURRENCE IN ELECTRONIC FILING

In accordance with General Order No. 45, Section X.B., I attest that concurrence in the electronic filing of this **STIPULATION ALLOWING DOCUMENTS TO BE FILED UNDER SEAL - RE PLAINTIFF'S MOTION TO STRIKE OR EXCLUDE PORTIONS OF EXPERT REPORT OF STUART HARDEN** and accompanying **[PROPOSED] Order** was obtained from Michael D. Weil.

/S/electronically

Dated: November 15, 2005

By KATHRYN BURKETT DICKSON
Attorney for Plaintiff
DAVID HALTERMAN